



STATE OF DELAWARE  
EXECUTIVE DEPARTMENT  
OFFICE OF STATE PLANNING COORDINATION

September 20, 2018

Robert J. Palmer, P.E.  
Beacon Engineering, LLC  
23318 Cedar Lane  
Georgetown, DE 19947

RE: PLUS review 2018-08-08; Orchard Plaza

Dear Robert:

Thank you for meeting with State agency planners on August 22, 2018 to discuss the Orchard Plaza project. According to the information received, you are seeking review of a rezoning of 5.816 acres from AR-1 to C-2 and a site plan for 110,000 sq. ft. of office/medical space along Old Orchard Road in Sussex County.

Please note that changes to the plan, other than those suggested in this letter, could result in additional comments from the State. Additionally, these comments reflect only issues that are the responsibility of the agencies represented at the meeting. **The developers will also need to comply with any Federal, State, and local regulations regarding this property. We also note that as Sussex County has the governing authority over this land the developers will need to comply with any and all regulations/restrictions set forth by the County.**

**Strategies for State Policies and Spending**

- This project is located almost primarily in a Level 2 area according to the *Strategies for State Policies and Spending*. Investment Level 2 reflects areas where growth is anticipated by local, county, and State plans in the near term future.

**Code Requirements/Agency Permitting Requirements**

**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- The site access on Old Orchard Road (Sussex Road 269A) must be designed in accordance with DelDOT's Development Coordination Manual, which is available at <http://www.deldot.gov/Business/subdivisions/index.shtml?dc=changes>.

- Pursuant to Section P.3 of the Manual, a Pre-Submittal Meeting is required before plans are submitted for review.
- Section P.5 of the Manual addresses fees that are assessed for the review of development proposals. DelDOT anticipates collecting the Initial Stage Fee when the record plan is submitted for review and the Construction Stage Fee when construction plans are submitted for review.
- While separate PLUS applications have been presented for the office complex and the skilled nursing facility, DelDOT anticipates treating them as a single project with regard to the need for a Traffic Impact Study (TIS).
  - Per Section 2.2.2.1 of the Development Coordination Manual, Traffic Impact Studies are warranted for developments generating more than 500 vehicle trip ends per day or 50 vehicle trip ends per hour in any hour of the day. From the concept plans accompanying the PLUS applications, the proposed developments would generate a total of 4,142 vehicle trip ends per day (314 assisted living and 3,828 medical office). Therefore a TIS is warranted and DelDOT will require that a TIS be done. A scoping meeting was held with the applicant's representatives on July 31, 2018. Minutes of that meeting are attached.
  - The purpose of a TIS is to identify needed off-site improvements. Improvements that DelDOT can identify without a TIS include improvement of Old Orchard Road to meet DelDOT local road standards, including 11-foot lanes and 5-foot shoulders, within the limits of the site frontage, provision of a shoulder on the north side of that road from the site frontage to New Road (Sussex Road 266) and contributions to DelDOT planned improvements at both ends of Old Orchard Road.
- Section 3.2.4.2 of the Manual addresses the placement of right-of-way monuments (markers) along the roads on which a property fronts, in this case Old Orchard Road. Monuments sufficient to re-establish the permanent rights-of-way after the dedication discussed below should be shown on the plan and provided in the field in accordance with this section.
- As necessary, in accordance with Section 3.2.5 and Figure 3.2.5-a of the Manual, DelDOT will require dedication of right-of-way along the site's frontage on Old Orchard Road to meet DelDOT's standards for local roads. By this regulation, this dedication is to provide a minimum of 30 feet of right-of-way from the physical centerline along Old Orchard Road. The following right-of-way dedication note is required, **"An X-foot wide right-of-way is hereby dedicated to the State of Delaware, as per this plat."**
- In accordance with Section 3.2.5.1.1 of the Manual, if this development is proposing a neighborhood sign/structure, then a permanent easement shall be established at the site entrance. The easement shall be located outside of any existing and/or proposed right-of-

way. It will also need to be verified that the sign/structure does not pose a sight distance and/or safety hazard.

- In accordance with Section 3.2.5.1.2 of the Manual, DelDOT will require the establishment of 15-foot wide permanent easements across the property frontage on Old Orchard Road. The location of the easements shall be outside the limits of the ultimate right-of-way. The easement area can be used as part of the open space calculation for the site. The following note is required, **“A 15-foot wide permanent easement is hereby established for the State of Delaware, as per this plat.”**
- In accordance with Section 3.4 of the Manual, a record plan shall be prepared prior to issuing “Letter of No Objection”. The record plan submittal shall include the items listed on the Critical Items for Acceptance: Record Plan document available on the DelDOT website at <https://www.deldot.gov/Business/subdivisions/pdfs/Critical-Items-Record-Subdivision.pdf?09222017>.
- Referring to Section 3.4.2.1 of the Manual, the following items, among other things, are required on the Record Plan:
  - A Traffic Generation Diagram. See Figure 3.4.2-a for the required format and content.
  - Depiction of all existing entrances within 450 feet of the proposed entrances on Old Orchard Road.
  - Notes identifying the type of any off-site improvements, agreements (signal, letter) contributions and when the off-site improvements are warranted.
- Section 3.5 of the Manual provides DelDOT’s requirements with regard to connectivity. The requirements in Sections 3.5.1 through 3.5.3 shall be followed for all development projects having access to state roads or proposing DelDOT-maintained public streets for subdivisions. Private or municipal streets should follow the County’s requirements for connectivity.
- Section 3.5.4.2 of the Manual addresses requirements for shared-use paths and sidewalks. Referring to Section 3.5.4.2.A of the Manual, installation of a sidewalk or Shared Use Path along the development’s road frontage is required for developments generating more than 2,000 vehicle trip ends per day. DelDOT will require a Shared Use Path along the development frontage on Old Orchard Road.
- Referring to Section 3.5.5 of the Manual, existing and proposed transit stops and associated facilities as required by the Delaware Transit Corporation (DTC) or DelDOT shall be shown on the Record Plan.
- Section 3.5.4.3 of the Manual addresses walkways, which are similar to Shared Use Paths (SUP) but are used to connect from an SUP or sidewalk along a road to buildings within a

non-residential development. DelDOT anticipates requiring walkways to connect both the office buildings and the skilled nursing facility to both the SUP on Old Orchard Road and the Georgetown to Lewes Pathway. Phase II of the trail construction, from Savannah Road (US Route 9 Business) to Minos Conaway Road (Sussex Road 265), is planned to begin in the fall of 2018 and to be complete in the summer of 2019.

- In accordance with Section 3.8 of the Manual, storm water facilities, excluding filter strips and bioswales, shall be located a minimum of 20 feet from the ultimate State right-of-way along Old Orchard Road.
- Referring to Section 4.3 of the Manual, an entrance plan shall be prepared prior to issuing entrance approval. The entrance plan submittal shall include the items listed on the Critical Items for Acceptance: Entrance/Construction/Subdivision Set Plan document available on the DelDOT website at [https://www.deldot.gov/Business/subdivisions/pdfs/Critical-Items\\_Entrance\\_Construction\\_Subdivision.pdf?09222017](https://www.deldot.gov/Business/subdivisions/pdfs/Critical-Items_Entrance_Construction_Subdivision.pdf?09222017).
- In accordance with Section 5.2.5.6 of the Manual, a separate turning template plan shall be provided to verify vehicles can safely enter and exit the site entrances on Old Orchard Road. As per Section 5.2.3 of the Manual, the entrance shall be designed for the largest vehicle using the entrance.
- In accordance with Section 5.2.9 of the Manual, the Auxiliary Lane Worksheet should be used to determine whether auxiliary lanes are warranted at the site entrances and how long those lanes should be. The worksheet can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>. Preliminarily, DelDOT believes it will be necessary to shift the Orchard Plaza entrance to the north limit of the site frontage to provide an adequate right turn lane. They recommend that the applicant consider incorporate a driveway through Orchard Plaza to Tranquility at Breakwater instead of realigning and improving Oyster Cove Drive for that purpose.
- In accordance with Section 5.4 of the Manual, sight distance triangles are required and shall be established in accordance with American Association of State Highway and Transportation Officials (AASHTO) standards. A spreadsheet has been developed to assist with this task. It can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.
- In accordance with Section 5.14 of the Manual, all existing utilities must be shown on the plan and a utility relocation plan will be required for any utilities that need to be relocated.
- Because the proposed development would not have State-maintained streets, Section 6.4.3 of the Manual, which pertains to the inspection and acceptance of commercial entrances, applies. Construction inspection responsibilities shall be in accordance with Figure 6.4.3-a. DelDOT's preliminary reading of this figure is that the project requires Level I inspection and that a construction inspection agreement will not be needed.

- Section 7.7.2 of the Manual addresses the need to provide 20-foot wide drainage easements for all storm drainage systems, open or closed, that fall outside the existing right-of-way or the drainage/utility easement. In accordance with this section, metes and bounds and total areas need to be shown for any drainage easements. The easements should be shown and noted on the record plan.

**Department of Natural Resources and Environmental Control – Contact Michael Tholstrup 735-3352**

- The Department of Natural Resources and Environmental Control did not submit comments regarding this application. If the development of this property requires permits from a DNREC section, please contact the DNREC regulatory agency directly.

**State Historic Preservation Office – Contact Carlton Hall 736-7404**

- There are no known archaeological sites, or known National Register-listed or eligible properties on the parcel.
- If development proceeds, the developer should be aware of the Unmarked Human Burials and Human Skeletal Remains Law. Disturbing unmarked graves or burials triggers Delaware's Unmarked Human Burials and Human Skeletal Remains Law (Del. C. Title 7, Ch. 54), and such remains or discoveries can result in substantial delays while the procedures required under this law are carried out. If you would like to see more information, please review the following websites: [www.history.delaware.gov/preservation/umhr.shtml](http://www.history.delaware.gov/preservation/umhr.shtml) and [www.history.delaware.gov/preservation/cemeteries.shtml](http://www.history.delaware.gov/preservation/cemeteries.shtml).
- If there is federal involvement, in the form of licenses, permits, or funds, the federal agency, often through its client, is responsible for complying with Section 106 of the National Historic Preservation Act (36 CFR 800) and must consider their project's effects on any known or potential cultural or historic resources. For further information on the Section 106 review process please review the Advisory Council on Historic Preservation's website at: [www.achp.gov](http://www.achp.gov)

**Recommendations/Additional Information**

This section includes a list of site specific suggestions that are intended to enhance the project. These suggestions have been generated by the State Agencies based on their expertise and subject area knowledge. **These suggestions do not represent State code requirements.** They are offered here in order to provide proactive ideas to help the applicant enhance the site design, and it is hoped (**but in no way required**) that the applicant will open a dialogue with the relevant agencies to discuss how these suggestions can benefit the project.

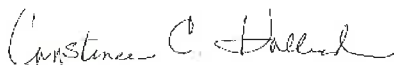
**Department of Transportation – Contact Bill Brockenbrough 760-2109**

- Both Savannah Road and New Road are part of the Historic Lewes Byway and in that context a Master Plan is presently being developed for the New Road corridor. To the extent that the applicant is required to make improvements on New Road, the Master Plan may influence the design of those improvements. General information on the byway is available at <https://www.deldot.gov/Programs/byways/index.shtml?dc=lewes>. Information on the Master plan is available from Byway Specialist Gail VanGilder. Ms. VanGilder may be reached at [gvangilder@comcast.net](mailto:gvangilder@comcast.net).
- Section 3.2.4.1 of the Manual addresses the placement of right-of-way monuments (markers) along subdivision streets. DelDOT recommends that monuments be furnished and placed along Oyster Cove Drive in accordance with this section.
- The applicant should expect a requirement that any substation and/or wastewater facilities will be required to have access from an internal street or driveway with no direct access to Old Orchard Road.
- The applicant should expect a requirement that all PLUS and Technical Advisory Committee (TAC) comments be addressed prior to submitting plans for review.
- Please be advised that the Standard General Notes were updated on December 8, 2017, and posted to the DelDOT website. The notes can be found at <http://www.deldot.gov/Business/subdivisions/index.shtml>.

**Following receipt of this letter and upon filing of an application with the local jurisdiction, the applicant shall provide to the local jurisdiction and the Office of State Planning Coordination a written response to comments received as a result of the pre-application process, noting whether comments were incorporated into the project design or not and the reason therefore.**

Thank you for the opportunity to review this project. If you have any questions, please contact me at 302-739-3090.

Sincerely,



Constance C. Holland, AICP  
Director, Office of State Planning Coordination

CC: Sussex County Planning  
City of Lewes